



February 15, 2002

ENGROSSED SENATE BILL No. 315

DIGEST OF SB 315 (Updated February 13, 2002 11:56 AM - DI 106)

Citations Affected: IC 33-11.6; IC 33-19; noncode.

Synopsis: Marion County small claims court fees. Requires the Marion County small claims court to collect a document fee, an automated record keeping fee, and a late fee. Raises the automated record keeping fee to \$5.00 in 2002 and to \$7.00 in 2003.

Effective: July 1, 2002.

Clark

(HOUSE SPONSORS — STURTZ, FOLEY, ATTERHOLT)

January 8, 2002, read first time and referred to Committee on Judiciary.
January 17, 2002, reported favorably — Do Pass.
January 24, 2002, read second time, ordered engrossed.
January 25, 2002, engrossed.
January 29, 2002, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Judiciary.
February 14, 2002, amended, reported — Do Pass.

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ES 315—LS 7140/DI 105+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 315

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-11.6-4-15, AS AMENDED BY P.L.280-2001,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 15. (a) The costs consist of:

4 (1) a township docket fee equal to five dollars (\$5) plus forty-five
5 percent (45%) of the infraction or ordinance violation costs fee
6 under IC 33-19-5-2;

7 (2) bailiff's service of process by registered or certified mail fee
8 of thirteen dollars (\$13) for each service;

9 (3) the cost for the personal service of process by the bailiff or
10 other process server in the amount of thirteen dollars (\$13) for
11 each service;

12 (4) witness fees, if any, in the amount provided by IC 33-19-1-6
13 to be taxed and charged in the circuit court of the county; ~~and~~

14 (5) a redocketing fee, if any, of five dollars (\$5);

15 **(6) a document storage fee under IC 33-19-6-18.1;**

16 **(7) an automated record keeping fee under IC 33-19-6-19; and**

17 **(8) a late fee, if any, under IC 33-19-6-20.**

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The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 2. IC 33-11.6-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. ~~Handling of Funds.~~

(a) Payment for all costs and other purposes made as a result of proceedings in a division of the small claims court shall be to the _____ County Small Claims Court _____ Division (with the name of the county and township inserted). The court shall issue a receipt, for all monies received, on a form numbered serially in duplicate. All township docket fees **and late fees** received by the court shall be paid to the township trustees at the close of each month.

(b) **The court shall:**

(1) **semiannually distribute to the auditor of the state all automated record keeping fees received by the court for deposit in the state user fee fund established under IC 33-19-9; and**

(2) **monthly distribute to the county auditor all document storage fees received by the court. The county auditor shall deposit fees distributed under this subdivision into the clerk's record perpetuation fund under IC 33-19-6-1.5.**

SECTION 3. IC 33-19-6-19, AS ADDED BY P.L.183-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect an automated record keeping fee of:

(1) ~~two five dollars (\$2):~~ **(\$5) before July 1, 2003; and**

(2) **seven dollars (\$7) after June 30, 2003.**

SECTION 4. IC 33-19-6-20, AS ADDED BY P.L.280-2001, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20. (a) **Except as provided in subsection (e),** this section applies in each action in which a defendant:

(1) is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

(B) violated a statute defining an infraction;

(C) violated an ordinance of a municipal corporation; or



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- (D) committed a delinquent act;
 (2) is required to pay:
 (A) court costs, including fees;
 (B) a fine; or
 (C) a civil penalty;
 (3) is not determined by the court imposing the court costs, fine, or civil penalty to be indigent; and
 (4) fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-19-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in an action under IC 33-11.6 shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

- (1) is required to pay court fees or costs under IC 33-11.6-4-15;**
(2) is not determined by the court imposing the court costs to be indigent; and
(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 5. [EFFECTIVE JULY 1, 2002] IC 33-11.6-4-15, as



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1 amended by this act, applies only to small claims actions initiated
2 after June 30, 2002.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 315 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 3. IC 33-19-6-19, AS ADDED BY P.L.183-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect an automated record keeping fee of:

(1) two five dollars (\$2): (\$5) before July 1, 2003; and

(2) seven dollars (\$7) after June 30, 2003."

Page 3, line 37, delete "2001." and insert "**2002.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 315 as printed January 18, 2002.)

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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